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QUESTION BOX

1. Experience in the use of caps instead of plugs on dead ends and unconnected branch pipes; is there any economy or advantage in the use of such caps?

SECRETARY DIVEN: The secretary propounded that question. In going to a new city he found that instead of using plugs in branches, a short piece of pipe had been put on and capped. The speaker could not see the economy of that arrangement, and asked what the reason was. He was told that it was done because it was easier to take off. He believed that, because he had not been in that new location six months before six of them blew off of their own accord. The speaker had been in the water works business for about forty years and had never used that sort of an arrangement and was wondering why they were used and wondered if anybody else had used them.

2. What legal right has a water company to the use of public streets after the expiration of its franchise? Experiences of water companies whose franchises have expired, especially in cases where duplicate public works have been built.

MR. J. N. CHESTER: That depends upon the location, state or city in which you are and what the nature of the franchise rights is.

SECRETARY DIVEN: The question was asked whether they would have to stop doing business after the expiration of their franchise—if they would have any right to dig up the streets after the franchise had expired?

MR. J. N. CHESTER: In some states the courts have said they may, and in some others they have said they may not. There have been as many different decisions as there are states.

MR. GEORGE HOUSTON: The speaker did not ask that question, although he was glad to see it in the list, being particularly inter-

ested on behalf of his city where the franchise of the gas company is about to expire, and a great many of the people have the idea that all they have to do at the expiration of the franchise is to say, "Come on, boys, we will go down and take possession." We would really like to know where we are at; and if anybody knows a case that has been tried out on that line would appreciate the information.

MR. H. C. HODGKINS: There is not much doubt about where such a company is at; it is pretty nearly in court in a law-suit. It formerly would have had to go into a court of equity to acquire additional rights; and the way the question is stated the speaker does not think it had any standing whatever. The establishment of public service commissions in various states has in great measure superseded franchises and nullified a great many decisions, so that a great deal of the information contained in past decisions is of little value.

Wherever you have an indeterminate permit act, naturally any decisions prior to that are not applicable. If the state in which the franchise is located has a public service act that act should certainly define the rights under such franchise and after the expiration of the franchise; and if it does not then the old law prevails. So references to other states will hardly be valuable.

MR. F. J. CONNOR: The Sioux Falls case was a noted one, and the court in deciding it said, "This company goes out of the water works business on a certain date," and after saying that he gave the company the right for a year after the expiration of the franchise to have the pipes removed. The company removed about twenty miles of mains of sizes from 4-inch up to 16-inch and dismantled the entire plant. Of course, we had two systems for about a year. At the speaker's first installation as superintendent we had what was called the "old company" and the "new company." They were both doing business, and one was taking the consumers away from the other.

The speaker wants to say frankly and fairly, if any of you are fighting with a company, for the good of your community, if the old company has a good lawyer and is willing to spend lots of money, the lawyer will probably milk them, and the case will work out about like it did in the case of the Irishman who went to one lawyer and said, "I have a little trouble with my brother, and I

want to start a suit against him." The lawyer said, "I have your brother's case, but I have a good friend down the street, you go to him, and I will give you a letter of introduction." So he wrote a note and gave it to Mike to take to the other lawyer. Mike was a little curious, and he opened up the note and read it. It went this way: "You look after one, and I will look after the other." So that will be about the way with you that are fighting the company, and while the speaker has charge of a municipal plant, his best advice to you is, if there is any possible way to settle the thing, lay aside personal grievances and do not get into litigation; try to settle it in some way, and you will all come out better.

MR. J.-M. DIVEN: It seems as if the last speaker left out part of that story; that there was an addition to that note to the effect that by and by the lawyers would have the property.

MR. E. E. DAVIS: We have never had much trouble about franchises but we sometimes have questions in dispute that come up for settlement that would keep half a dozen lawyers busy. The lawyers of Richmond are very kind to the speaker, who frequently makes decisions for them, and they abide by them. Some time ago a question came up in regard to a line of pipe that was laid to an annexed territory. The work was done under the supervision of the water works department under certain specifications as to sizes, etc., and disputes came up, and under the agreement any such dispute was to be handled by three disinterested parties, who probably would have been lawyers. But instead of getting three disinterested parties we handled the matter through the administrative board very satisfactorily to all concerned.

MR. W. A. PATTON: The speaker is responsible for this question, at least he submitted it to the secretary at last year's convention, and was disappointed afterwards in not being able to attend. He did not know that it had been carried over to this meeting.

The question is worthy of some investigation. Private water companies who have immense investments at stake are entitled to rights as well as municipalities. This question is well worth consideration because it affects vitally those who have their money invested in private water works. In the city of Cincinnati recently a case came up, the speaker cannot give you the exact style of the

case, but thinks it was a case where a company attempted to carry some pipe across the street to a neighbor, and it was decided by the lower court, and the party gained his point. The decision in effect was that he was a tax-payer and abutting property owner and had the same right to the streets as any one else; on the principle that the streets are public property, and as long as his pipes do not interfere with the general use of the street, as a tax-payer he has that right. Now that is a question that is well worth considering; and if this question cannot be answered at the present time trust that those who can give information relative to it will have it in readiness for the next meeting.

MR. W. F. WILCOX: The only decision that the speaker knows of bearing on the question is a decision in the case of the town of Canton, Mississippi vs. the Illinois Central Railroad, in which the Supreme Court of Mississippi decided that it was not within the purview of the railroad to use a street, because it was a railroad corporation and they will not allow a railroad company to use streets for the purpose of laying a water pipe.

3. What experience have you had in the use of lead wool for joints in cast iron pipe? Is it as economical and satisfactory as melted pig lead?

MR. C. W. WILES: That question was presented to the secretary at the request of a neighboring city of ours. They wanted to get some information on that subject as to whether lead wool had been used throughout the country on dry joints, and whether it was successful and as economical as hot lead. We would like to have the benefit of any information we may be able to collect as to experience with the use of lead wool in place of pig lead in making wet and dry joints on water lines.

MR. JOHN M. DIVEN: The speaker has found it so satisfactory, that in small jobs, such as setting fire hydrants, where there are only four or five joints to make, he has not used poured joints for some years; as you know, building the fire and getting the melting apparatus in position and operation would mean a large proportion of the work in the case of a small job as compared with the cost of the job.

The speaker had occasion to lay a line of 8-inch pipe under a railroad yard, some fourteen tracks in all, and in swampy ground. Great trouble had been experienced with pipes under tracks in similar situations and Ward joint pipe was used for this job. As a test of lead wool half of the joints were made with it, the other half being poured in the usual manner. Leaks soon developed in the poured joints, but none with the lead wool ones. Great care was taken in laying the pipe to grade, to get full joints and the lead wool was caulked in strand by strand, so that it was solidly compacted for the entire depth of the joint, something that was not possible with the poured joints. No gasket was used in either the lead wool or poured joints.

MR. OSCAR BULKELEY: The speaker used lead wool on lines of pipe from 8 inches to 12 inches in diameter, but gave up its use because caulkers could not do the heavy work required in caulking lead wool by hand. It's a long, tedious job. However, the speaker is of the opinion that lead wool may be used successfully by caulking with a pneumatic hammer.

4. Is it your practice to test new water meters or meters repaired at the factory, or do you rely on the factory tests? If tests of such meters are made, do they indicate that the new or factory repaired meters are accurate, or not?

MR. THEODORE A. LEISEN: In Detroit we test every meter before it goes out into service, and with very few exceptions our tests come up to the factory tests; in other words, we figure on getting within $1\frac{1}{2}$ per cent of absolute accuracy before the meter goes out, and we usually get that.

MR. A. A. REIMER: The speaker thinks there ought to be a very close agreement between the factory test and the shop test at our own plants, if the pressures and pressure conditions are nearly the same. For instance, in one case where the differences were as high as 4 to 5 per cent, it was found that the pressure fluctuated owing to the fact that at times in some other part of the factory the testing line was subjected to rather extreme changes in pressure, whereas our test conditions gave a practically constant pressure. As soon as those conditions were changed at the factory and they gave a

constant pressure, we got practically the same conditions and reached the same figures. We do not permit any meter to leave the shop and go into service until it has not only been tested but has met the requirements of the department for accuracy and delicacy absolutely. The repaired meters are also treated in the same way. As soon as a meter is repaired it is put on the test bench and brought up to proper specification requirements in every case.

5. Are meter bills of municipal water works a lien on property? If so, how are they regulated?

MR. J. N. CHESTER: That is a matter that depends on state laws, for in Pennsylvania they are, but in some other states they are not.

MR. GEORGE G. EARL: Our bills in New Orleans are a lien on the property by an enactment of the legislature. The lien has to be collected or filed in the mortgage office, to be protected against a sale of the property prior to its collection.

MR. J. N. CHESTER: That, we believe, is universally the case in connection with municipal ownership.